

Judicial Inquiry Commission

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July 31, 1979

The Judicial Inquiry Commission has considered your request for an opinion in which you ask the following questions:

1. Under Canon 3C(I)(c) should a judge recuse or disqualify himself or herself in a civil matter in which one of the parties is represented by the law partner of the spouse of the judge?
2. Under any of the canons, should a judge recuse himself from hearing civil cases involving parties who are related by blood or marriage to the court reporter of the judge?

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It is the opinion of this Commission that under Canon 3C(I)(c) a judge may be required to recuse himself or herself in a civil matter in which one of the parties is represented by the law partner of the judge. As you are aware, the canon in question provides that recusal is required where a judge's impartiality might reasonably be questioned including where the judge knows that his or her spouse has an interest which could be substantially affected by the outcome of the proceeding. In the situation you present we must also be guided by the commentary to this canon.

The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated does not of itself disqualify the judge. Under appropriate circumstances, the fact that "his impartiality might be reasonably questioned" under Canon 3C(I), or that the lawyer-relative is known by the judge to have an interest in the law firm that could be "substantially affected by the outcome of the proceedings" under Canon 3C(I)(d)(ii) may require his disqualification.

We do not know the circumstances of the case or the law partnership in question. We cannot therefore at this time give you a more definitive answer than is presented in the above quoted commentary.

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As to your second question, Canon 3C(I) could also require disqualification of the judge in that circumstances might arise in which the judge's impartiality might reasonably be

questioned. However, it is our opinion that the court reporter's relationship does not necessarily of itself disqualify the judge.

If particular circumstances should arise in either of the above situations in which you feel any uncertainty, this Commission will be happy to advise you further. However, we cannot without more information advise you more definitely at this time.